

**REMARKS/ARGUMENTS**

Claims 1-8, 10-13, 22 and 23 are pending and under examination.

With entry of the instant amendment, claims 1, 22 and 23 are amended. The amendments add no new matter. Support for the amendment to claim 1 and 22 as it relates to the thrombin substrate can be found, *e.g.*, at paragraph 40. Support for the amendment to claim 22 can be found, *e.g.*, in claim 23 as filed. Support for the amendment to claim 23, can be found, *e.g.*, at page 17.

Cancellation of subject matter by amendment is without prejudice to subsequent revival for prosecution in a continuation application.

*Rejection under 35 U.S.C. § 112, second paragraph*

Claims 22 and 23 are rejected as allegedly incomplete for omitting essential steps. Although Applicants disagree with the Examiner's legal analysis, in the interests of facilitating allowance of the claims, claims 22 and 23 have been amended to recite a whole blood or plasma sample (claim 22) or a cell-free plasma sample (claim 23). As the rejection is obviated by the claim amendments, it is respectfully requested that the rejection be withdrawn.

*Rejection under 35 U.S.C. § 103*

Claims 1-8, 10-13, 22, and 23 are again rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. Patent No. 6,124,110 to Wöber *et al.*; in view of U.S. Patent No. 5,625,036 to Hawkins *et al.*; Lawson *et al.*, *J. Biol. Chem.* 267(7): 4834-4843 (1992); Váradi *et al.*, *J. Thromb. Haemostasis* 1:2374-2380, 2003 ("Váradi"); U.S. Patent No. 5,952,198 to Chan; U.S. Patent No. 6,074,826 to Hogan *et al.*; U.S. Patent No. 6,576,422 to Weinstein *et al.*; U.S. Patent No. 6,756,019 to Dubrow *et al.*, and further in view of U.S. Patent Publication No. 2002/0151582 to Dou *et al.*; and p. B-77 of the CRC Handbook of Chemistry and Physics 51st ed., R.C. Weast, ed.

In response to Applicants' arguments, the Examiner contends that the claimed kit and the method of its use appear to be that used by Váradi. Applicants disagree with the

Examiner's analysis for the reasons of record. In the interests of expediting prosecution, however, submitted herewith is a Declaration under 37 C.F.R. § 1.132 by the present inventors that affirms that to the extent that the claimed invention is disclosed in Váradi, the present inventors are the inventors and only inventors of that subject matter. As Váradi was published less than a year before the filing date of the present application, the Declaration removes Váradi as prior art.

It is noted that submission of this Declaration does not constitute agreement with the Examiner's position set forth in the rejection.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection.

**CONCLUSION**

Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Jean M. Lockyer  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
JML:jml  
62226883 v1